United Nations A/63/PV.78

General Assembly

Official Records

Sixty-third session

78th plenary meeting
Tuesday, 31 March 2009, 3 p.m.
New York

President: Mr. D'Escoto Brockmann ..... (Nicaragua)

The meeting was called to order at 3.20 p.m.

Agenda item 122 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations (A/63/725/Add.1 and Add.2)

The President: I would like, in keeping with established practice, to draw the attention of the General Assembly to documents A/63/725/Add.1 and Add.2, in which the Secretary-General informs the President of the General Assembly that, since the issuance of his communication contained in document A/63/725, the Dominican Republic, the Marshall Islands and Paraguay have made the necessary payments to reduce their arrears below the amount specified in Article 19 of the Charter. May I take it that the General Assembly duly takes note of the information contained in those documents?

It was so decided.

Agenda item 105 (*continued*)

Appointments to fill vacancies in subsidiary organs and other appointments

(i) Confirmation of the appointment of the Administrator of the United Nations Development Programme

Note by the Secretary-General (A/63/109)

The President: I would now like to draw the General Assembly's attention to the note by the Secretary-General contained in document A/63/109, which pertains to the confirmation of the appointment of the Administrator of the United Nations Development Programme.

In paragraph 22, part B, of resolution 1240 (XIII) of 14 October 1958 on the establishment of the Special Fund, the General Assembly provided that the Secretary-General, after having consulted the Governing Council of the Special Fund, would appoint the Managing Director, subject to confirmation by the Assembly. That procedure has been construed as applying also to the appointment of the Administrator of the United Nations Development Programme.

By its decision 59/417 of 5 May 2005, the General Assembly confirmed the appointment by the Secretary-General of Mr. Kemal Dervi as Administrator of the United Nations Development Programme for a four-year term of office beginning on 15 August 2005 and ending on 14 August 2009. In an announcement on 8 January 2009, the Secretary-General informed that he had accepted with regret the resignation of Mr. Dervi, effective 1 March 2009.

Following consultations with members of the Executive Board of the United Nations Development Programme, the Secretary-General now requests the General Assembly to confirm the appointment of Ms. Helen Clark as Administrator of the United Nations Development Programme for a four-year term of office beginning on 20 April 2009. May I take it that the General Assembly approves that proposal?

It was so decided.

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The President: I now give the floor to the representative of the Sudan.

Mr. Mohamad (Sudan): On behalf of the Group of 77 and China, I would like to express our sincere congratulations to Ms. Helen Clark of New Zealand on her nomination by the Secretary-General as Administrator of the United Nations Development Programme (UNDP). We take this opportunity to extend to her our best wishes for a successful term of office and to assure her of our support and cooperation.

The Group of 77 and China believe that the development agenda is a major and basic pillar of the Organization, and one where considerable effort is still needed. Indeed, sustainable development should remain the centrepiece of deliberations at the United Nations. The achievement of the internationally agreed development goals, including the Millennium Development Goals, should continue to be the overarching framework for the activities of the United Nations. UNDP is one of the main institutions whose goals are directly related to the development agenda and are linked to the lives of millions in developing countries. We therefore believe that UNDP can play a crucial role in supporting our development objectives. For this reason, it is imperative that the Administrator act in the interests of developing countries within the framework of their national development policies and priorities.

Today, UNDP continues to be relevant as a forum for the implementation of our common development goals by translating them into operational activities and concrete actions in the field. Our objective in this period should be the implementation of what we have agreed on in the major United Nations conferences and summits to help the poor in their struggle against poverty, especially in these times of economic crisis. In that regard, the Group of 77 is convinced that the implementation of the internationally agreed development goals, including the Millennium Development Goals, is of the utmost priority.

This constitutes the framework in which the Group of 77 and China hope to work with Ms. Helen Clark. That is a challenge we have to face hand in hand with the new Administrator. We are hopeful that, under her leadership, UNDP will respond to these challenges in a transparent and effective manner. I wish to assure Ms. Clark that the Group of 77 and China will support her efforts as Administrator of UNDP in strengthening our much-needed global partnership for development based on recognition of national leadership and ownership of national strategies.

The President: The Assembly has thus concluded its consideration of sub-item (i) of agenda item 105.

(k) Appointment of the judges of the United Nations Dispute Tribunal

Memorandum by the Secretary-General (A/63/700/Add.1)

Report of the Internal Justice Council (A/63/489/Add.1)

The President: Members will recall that, at its 76th plenary meeting, on 2 March 2009, the General Assembly appointed, by way of an election, three full-time and two half-time judges of the United Nations Dispute Tribunal.

By its resolution 63/253 of 24 December 2008, the General Assembly decided, inter alia, that, as an interim measure, three ad litem judges would be appointed by the General Assembly to the Dispute Tribunal and that the judges would have all the powers conferred on the permanent judges of the Dispute Tribunal and would be appointed only for a period of one year as from 1 July 2009.

The General Assembly will now proceed to the appointment, by way of an election, of three ad litem judges of the United Nations Dispute Tribunal for a one-year term of office commencing on 1 July 2009.

In connection with the appointment today of the three ad litem judges, I should like to bring the following matters to the attention of the General Assembly. First, as indicated in document A/63/700/Add.1, the appointment of the ad litem judges to the Dispute Tribunal is not addressed in the statute of the Tribunal. Accordingly, the appointment of ad litem judges will be made in accordance with: General Assembly resolution 63/253 of 24 December 2008; General Assembly decision 34/401; the rules of procedure of the General Assembly; and the recommendations of the Internal Justice Council, as set out in its report to the General Assembly (A/63/489/Add.1).

Secondly, also as indicated in document A/63/700/Add.1, it is proposed that the General Assembly proceed to appoint the ad litem judges of the

Dispute Tribunal, bearing in mind operative paragraph 58 of General Assembly resolution 63/253, in which the Assembly invited Member States, when electing judges to the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, to take due consideration of geographical distribution and gender balance. If there is no objection, may I take it that the General Assembly agrees to those procedures?

It was so decided.

The President: For the three vacancies, the Internal Justice Council has recommended for appointment the following three candidates, whose curricula vitae are provided in document A/63/489/Add.1: Michael Adams of Australia; Jean-François Cousin of France; and Nkemdilim Amelia Izoako of Nigeria.

In accordance with rule 92 of the rules of procedure, all elections should be held by secret ballot and there shall be no nominations. However, I should like to recall paragraph 16 of General Assembly decision 34/401, whereby the practice of dispensing with the secret ballot for elections to subsidiary organs when the number of candidates corresponds to the number of seats to be filled should become standard, unless a delegation specifically requests a vote on a given election.

In the absence of such a request, may I take it that the Assembly decides to proceed to the election on the basis of dispensing with the secret ballot?

It was so decided.

The President: As the number of candidates recommended by the Internal Justice Council is equal to the number of seats to be filled, may I therefore take it that the Assembly wishes to declare the three candidates, namely Michael Adams, Jean-François Cousin and Nkemdilim Amelia Izuako, appointed ad litem judges of the United Nations Dispute Tribunal for a one-year term of office beginning 1 July 2009?

It was so decided.

The President: Finally, as the three ad litem judges are appointed as a transitional measure only for a period of one year pursuant to General Assembly resolution 63/253 and have not been appointed as permanent judges of the Dispute Tribunal, may I take it that the General Assembly also wishes to declare that those three ad litem judges will remain eligible for appointment as either full-time or half-time judges of the Dispute Tribunal in accordance with its statute once they have completed their one-year term?

It was so decided.

The President: I congratulate the judges on their appointment as ad litem judges of the United Nations Dispute Tribunal.

I now give the floor to the representative of the United States of America.

Mr. Rashkow (United States of America): My delegation would like to comment on the reports of the Internal Justice Council concerning the appointment of the three ad litem judges to the United Nations Dispute Tribunal. We are concerned that the appointment of those judges, as recommended by the Internal Justice Council, has been unnecessarily rushed, denying Member States the opportunity to make an informed decision.

The Internal Justice Council report (A/63/489/Add.1), with the recommendations for the three ad litem judges, was only issued in its final form at the end of last week during the final hectic days of the resumed session of the Fifth Committee. As far as we can determine, notice for the election today was only published in the *Journal* as of the beginning of the week.

We do not concur with the Internal Justice Council's assessment that there are exigent circumstances that necessitate action by the General Assembly at this time. Resolution 62/228 specifies that the Internal Justice Council should provide two or three candidates for each vacancy in the United Nations Dispute Tribunal. Instead, the Internal Justice Council has provided only three names for three ad litem positions, and we are called upon to act today.

The new Dispute Tribunal does not commence operations until 1 July 2009. We have already elected three regular judges and two part-time judges to the Dispute Tribunal. In our view, the principle purpose of the ad litem judges was to help the Dispute Tribunal address the expected backlog of cases in the Tribunal that will occur once the United Nations Administrative Tribunal ceases operations at the end of 2009. Thus, it appears that the real need for ad litem judges will occur only after the end of the year, not as of 1 July. Under the circumstances, while we agree that these judges

should be appointed as of 1 July 2009, there was no need to rush the appointment process in this manner.

In this respect, my delegation was also concerned that Member States were not provided with an opportunity to make an informed selection from among a number of candidates. My delegation believes that Member States should be provided a choice in this matter.

For all of these reasons, we think that these appointments should have been made in May or in June. My delegation would emphasize, however, that our concerns address process and not the qualifications of the candidates. Given the circumstances and while registering our concerns about the process, my delegation nevertheless has joined the consensus to appoint the three candidates before us.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (k) of agenda item 105?

It was so decided.

Agenda item 57 (*continued*)

New Partnership for Africa's Development: progress in implementation and international support

(a) New Partnership for Africa's Development: progress in implementation and international support

Draft resolution A/63/L.60/Rev.1*

The President: Members will recall that the General Assembly held the high-level meeting on the theme "Africa's development needs: state of implementation of various commitments, challenges and the way forward" under agenda item 57 at the 3rd and 4th plenary meetings on 22 September 2008. Members will also recall that the General Assembly held a debate on agenda item 57 and its sub-items (a) and (b), jointly with agenda item 43, at the 26th, 27th and 29th plenary meetings on 15 and 20 October 2008.

I now give the floor to the representative of the Sudan to introduce draft resolution A/63/L.60/Rev.1*.

Mr. Mohamad (Sudan) (*spoke in Arabic*): I have taken the floor to introduce draft resolution A/63/L.60/Rev.1*, entitled "New Partnership for Africa's Development: progress in implementation and international support" and sponsored by Austria, Belgium, Canada, Denmark, Finland, France, Germany, Italy, the Netherlands, Portugal and the Sudan, representing the Group of 77 and China.

I wish to thank the delegation of Morocco, which played the role of coordinator, and the delegation of Tanzania, which also dealt with coordination for this very important draft resolution, which in its preambular paragraphs recalls the relevant resolutions of the General Assembly on the New Partnership for Africa's Development, as well as the World Summit Outcome and the political declaration adopted at the high-level meeting of the General Assembly on Africa's development needs on 22 September 2008.

The operative paragraphs of the draft resolution take note of the sixth consolidated report of the Secretary-General and reaffirm the General Assembly's commitment to the full implementation of the political declaration on Africa's development needs, as also reaffirmed in the Doha Declaration. The draft reaffirms the General Assembly's full support for the implementation of the New Partnership for Africa's Development and requests the Secretary-General to submit a report on the implementation of the present draft resolution.

It is our hope that the General Assembly will adopt the draft resolution and all of its components by consensus.

The President: The Assembly will now take a decision on draft resolution A/63/L.60/Rev.1*. I have been informed that Greece, Israel, Luxembourg, Slovenia, Spain and the United Kingdom have joined as sponsors.

May I take it that the Assembly decides to adopt draft resolution A/63/L.60/Rev.1*?

Draft resolution A/63/L.60/Rev.1 was adopted* (resolution 63/267).

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (a) of agenda item 57?

It was so decided.

Agenda item 48 (*continued*)

Follow-up to and implementation of the outcome of the 2002 International Conference on Financing for Development and the preparation of the 2008 Review Conference

Draft resolution A/63/L.66

The President: Members will recall that, at its 74th plenary meeting, on 23 December 2008, the Assembly decided to consider agenda item 48 directly in plenary meeting.

Members will further recall that, in accordance with General Assembly resolution 63/239 of 24 December 2008, the Assembly decided to hold a conference at the highest level on the world financial and economic crisis and its impact on development, and that the conference would be organized by the President of the General Assembly and that the modalities of the conference would be defined by March 2009 at the latest. The draft resolution on the modalities of the conference has been issued as document A/63/L.66.

I should like to inform members that action on draft resolution A/63/L.66 is postponed to a later date to allow time for the review of its programme budget implications by the Fifth Committee. The Assembly will take action on the draft resolution as soon as the report of the Fifth Committee on its programme budget implications is available.

The General Assembly has thus concluded this stage of its consideration of agenda item 48.

The meeting rose at 3.50 p.m.